IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:22-CV-00068-BO

YOLANDA IRVING, individually and as the natural parent and guardian of J.I., JUWAN HARRINGTON, CYDNEEA HARRINGTON, KENYA WALTON, individually and as the natural parent and guardian of R.W., ZIYEL WHITLEY, DYAMOND WHITLEY, KAMISHA WHITLEY, NANETTA GRANT as the natural parent and guardian of Z.G., and EMANCIPATE NC, INC.,	))))))))))))	
Plaintiffs,	))	
v.	)))	**PLAINTIFFS' MOTION FOR REMOTE APPEARANCE AT COURT-HOSTED SETTLEMENT CONFERENCE**
THE CITY OF RALEIGH, OFFICER OMAR I. ABDULLAH, SERGEANT WILLIAM ROLFE, OFFICER RISHAR PIERRE MONROE, OFFICER JULIEN DAVID RATTELADE, OFFICER MEGHAN CAROLINE GAY, JOHN and JANE DOE OFFICERS 1-10, in their individual capacities, Chief of Police ESTELLA PATTERSON, and City Manager MARCHELL ADAMS-DAVID, in their official capacities,	))))))))))))	
Defendants.	)	

NOW COME Plaintiffs, by and through undersigned counsel and pursuant to Local Civil

Rule 101.2, and hereby respectfully move for permission to appear remotely at the court-hosted

settlement conference:

1.   Individual Plaintiffs are ten Black women and children whose homes were illegally raided and who were wrongfully detained because of evidence fabricated by officers of the Raleigh Police Department ("RPD") and an unreliable confidential informant.

2.   The Individual Plaintiffs filed the Complaint in this matter on February 22, 2022.

3.   On April 29, 2022, the City of Raleigh ("City") moved for a court-hosted settlement conference.

4.   On May 3, 2022, Plaintiffs responded that they would participate in good faith in any court-hosted settlement conference but did not believe one would be successful without the City's willingness to mediate the RPD's warrant execution policies.

5.   Plaintiffs filed the Amended Complaint on May 16, 2022, adding additional parties to this action: Organizational Plaintiff Emancipate NC, INC. and Defendants RPD Chief Patterson and City Manager Adams-David.

6.   On July 8, 2022, the Hon. Robert Jones, scheduled a court-hosted settlement conference for August 15, 2022, in Wilmington, and ordered the individual parties to attend in person or move for permission to attend remotely.

7.   Plaintiff Yolanda Irving and her three children, J.I., Juwan Harrington and Cydneea Harrington respectfully request permission to attend the court-hosted settlement conference via remote participation.

8.   Ms. Irving sues individually and as the natural guardian and parent on behalf of her minor son, J.I. J.I. is 14 years old.

9.   Ms. Irving is a Wake County bus driver for special needs children.

10.   Plaintiff Cydneea Harrington is 20 years old and works at Harris Teeter.

11.   Juwan Harrington is 23 years old, paralyzed on his left side and wheelchair bound as a result of a car accident, and works for a café that employs special needs people.

12.   Ms. Irving and her children all reside in Wake County.

13.   Ms. Irving's wedding is scheduled for the weekend of August 19, 2022. Between wedding preparation and her normal work hours she is unable to attend the settlement conference in person.

14.   Cydneea, Juwan and J.I. all reside with Ms. Irving and do not have their own car and therefore cannot attend the settlement conference without their mother.

15.   This motion is being filed in good faith and not for the purpose of delaying this action.

16.   Pursuant to Local Civil Rule 6.1, prior to filing this motion, counsel for Plaintiffs consulted with counsel for Defendants regarding Plaintiffs' position on this motion. Defendants consent.

17.   Plaintiffs respectfully submit that good cause exists for granting this motion, based upon the above-described circumstances.

WHEREFORE, Plaintiffs Yolanda Irving, J.I., Juwan Harrington and Cydneea Harrington move the Court for permission to appear remotely at the court hosted settlement conference as set forth in the proposed order submitted with this motion.

This the 28th day of July, 2022.

Respectfully,

_____
Abraham Rubert-Schewel (N.C. Bar # 56863)
TIN FULTON WALKER & OWEN, PLLC
119 E. Main Street
Durham, NC 27701
Tel: (919) 451-9216
schewel@tinfulton.com

Served on all parties: Via ECF